Message

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Subject: News Articles (For EPA Distribution Only)

BNA DAILY ENVIRONMENT REPORT ARTICLES

Bill to Phase Out Toxic Chemicals In Children's Products Offered in New York

By Gerald B. Silverman

April 15 — Legislation has been introduced in New York with bipartisan support to identify and phase out the use of certain toxic chemicals in children's products by Jan. 1, 2018 (S. 4102, A. 5612).

The bill, known as the Child Safe Products Act, is on the floor in the state Assembly and in the Environmental Conservation Committee of the Senate.

The bill would require the Department of Environmental Conservation to publish a list of "priority chemicals and chemicals of high concern" and periodically review the list in consultation with the Department of Health.

Under the bill, manufacturers would have one year after a chemical is posted on the list to disclose its use in their products. They then would have three years to phase out use of the chemical.

'Common Sense.'

"Protecting children from toxic chemicals is just common sense," state Sen. Phil Boyle (R), the chief sponsor of the bill, said in a statement. "Despite market advancements and announcements by major retailers, voluntary measures just don't get us there."

The bill expressly bans the sale of certain chemicals in children's products by Jan. 1, 2018, including benzene, mercury and mercury compounds, arsenic and arsenic compounds, cadmium and cobalt and cobalt compounds.

The bill is modeled after similar measures that have been enacted in Washington, California, Vermont and Maine, according to a memo from Boyle, who is chairman of the Senate Commerce, Economic Development and Small Business Committee, and Assemblyman Steve Englebright (D), the chief Assembly sponsor and chairman of the Assembly Environmental Conservation Committee.

The bill is opposed by the Business Council of New York State. "New York would have to undertake an expensive, highly scientific review to make concrete determinations about the toxicity of chemicals and their potential harm to the public," the Council said in a memo opposing the legislation. "New York does not have the financial resources or expertise to execute such a review."

"The Business Council strongly believes that independent, well-financed national and/or international regulatory bodies dedicated to the protection of human health, including a focus on sensitive populations, should review suspected health hazards when legitimate concerns are raised."

The bill is supported by a coalition of health, environmental and other groups called the JustGreen Partnership.

Dr. Phillip J. Landrigan, director of the Children's Environmental Health Center at Mount Sinai Hospital, said children's diseases of environmental origin cost New York an estimated $4.3 billion annually.

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For More Information

The bill is available at http://open.nysenate.gov/legislation/bill/S4102-2015.

Criminal Charges Could Follow Former CSB Chairman's Congressional Testimony

By Robert Iafolla

April 15 — Former Chemical Safety and Hazard Investigation Board Chairman Rafael Moure-Eraso could face criminal charges related to his testimony before a congressional oversight panel, a government investigator said April 14.

The Environmental Protection Agency Office of Inspector General has told the U.S. Attorney's Office in the District of Columbia that Moure-Eraso may have perjured himself and committed "certain other crimes" during a March 4 hearing before the House Committee on Oversight and Government Reform, EPA Inspector General Arthur A. Elkins Jr. said.

Elkins told the Senate Committee on Environment and Public Works—which has oversight authority over the Chemical Safety Board—that the agency's former chief information officer provided a sworn statement alleging discrepancies in Moure-Eraso's testimony and communications with Elkins.

The announcement of potential criminal charges comes on the heels of Moure-Eraso's April 10 departure from the CSB. Moure-Eraso stepped down as chairman under White House pressure March 26 but remained at the agency as a board member for an additional 16 days.

The possible criminal prosecution of the CSB's outgoing chairman highlights Moure-Eraso's central role in the leadership tumult that has roiled the agency for nearly a year, after a board member resigned in protest in May 2014.

Illegal E-Mail Use

The possible criminal charges apparently stem from Moure-Eraso's testimony about alleged illegal use of private e-mail to conduct agency business.

The EPA OIG found that Moure-Eraso and his two top lieutenants, Managing Director Daniel Horowitz and General Counsel Richard Loeb, violated federal law by using private e-mail accounts for official business. The EPA OIG alerted the White House of its findings, but didn't refer them to the Justice Department for prosecution (26 DEN B-1, 2/9/15).

But Moure-Eraso may have lied to Congress about how he responded to inquiries related to the private e-mail accounts. For example, the former CSB chief information officer disputed Moure-Eraso's testimony claiming the information officer had conducted or overseen searches of Horowitz and Loeb's private e-mail accounts, Elkins said in his written testimony to the Senate Environment Committee.

At the March 4 House Government Oversight hearing, Moure-Eraso testified that he refused to sign—on the advice of a private lawyer—an EPA OIG compliance statement affirming that he provided the e-mail records the oversight investigators sought, he used a certain methodology and he didn't destroy any records. He did address the substance of the compliance statement under lawmakers' questioning.

"The answer to that question is that's correct. I absolutely never took intentional action to destroy, delete or remove any official CSB communications in my possession," Moure-Eraso said at the hearing.

Investigators from the EPA OIG searched the CSB's offices March 26—the day of Moure-Eraso's resignation as chairman—for signs of possible destruction of evidence, a CSB staffer told Bloomberg BNA March 26.

Filling the Leadership Vacuum

While Moure-Eraso's resignation left the CSB without a chairman, the three sitting board members are working toward an agreement to share the various executive and administrative authorities. The board has the opportunity to reach a power-sharing arrangement after the White House backed off from its plan to appoint board member Manuel Ehrlich Jr. as interim chair.

Board member Richard Engler declined to comment on the board's deliberations when asked by Bloomberg BNA April 14.

Following Moure-Eraso's official exit from the CSB, Engler and board member Mark Griffon appear to have the votes to rescind a controversial measure that moved power over the agency from the board as a whole and consolidated it in the chairman's office.

"Nothing should delay the three board members from immediately reconsidering that overthrow of board governance," Gerald Poje, who served on the board during the Clinton and Bush administrations, told Bloomberg BNA April 10.

The White House has named Vanessa Allen Sutherland, chief counsel for the Pipeline and Hazardous Materials Safety Administration, as its choice to become CSB chairwoman. Sutherland and Kristen Kulinowski, a research staff member at the Science and Technology Policy Institute nominated to join the board, await hearings before the Senate Environment and Public Works Committee.

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List of Chemicals to Be Evaluated Under IRIS
Expected by Summer, Draft Handbook Later

By Pat Rizzuto

April 15 — A list of chemicals that will have their health effects analyzed through the Environmental Protection Agency's Integrated Risk Information System (IRIS) program should be released before summer, Vincent Cogliano, director of that program, told Bloomberg BNA April 15.

Cogliano updated Bloomberg BNA regarding the status of two documents: 1) the commonly called IRIS Agenda, which is a list of chemicals the agency will review over the next few years; and 2) a draft handbook, which will provide detailed guidance for developing IRIS assessments.

The IRIS program assesses the human health hazards of chemicals and the doses at which those hazards manifest. That information is supplemented with exposure and other information. State agencies; the EPA's air, water, waste and other rulemaking offices; and other regulators then use the combined information to determine cleanup levels, water quality standards, air pollution standards and to make other decisions.

The IRIS Agenda has taken longer to develop than anticipated because it has been prepared with the participation of the agency's scientists, regulatory and regional offices to represent the agency's highest priorities, Cogliano previously said.

The agenda is going through its final review with the expectation it will be published before summer, Cogliano told BNA April 15 on the sidelines of a Science Advisory Board meeting.

Systematic Review Among Issues in Handbook

The draft handbook will be released by the end of the year, Cogliano told the Science Advisory Board, which met to peer review a draft IRIS assessment of benzo[a]pyrene.

Ways the IRIS program plans to conduct systematic review are among the issues the draft handbook will address, Cogliano said.

Systematic review involves methodical procedures through which analysts:

• select the questions they will seek to answer before they start an analysis;

• select search terms, databases and other tools to identify relevant studies;

• develop criteria for including or excluding studies;

• assess the quality of and potential for bias in selected studies; and

• analyze and synthesize the scientific information.

The IRIS program faces a particular challenge as it makes greater use of systematic review, he said. Tens of thousands of cellular and other in vitro studies may have been conducted with a chemical, he said. That IRIS program is developing a strategy to deal with that potential volume of studies while continuing to work on the chemicals it already is assessing.

The draft handbook will discuss the agency's current thinking on systematic review, Cogliano said. The approach the IRIS program uses will evolve over many years, he said.

When released, the draft IRIS handbook will be open for public comment and reviewed by a scientific panel, he told BNA.

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Agencies Recommend No New EU Regulation
On Potassium Hydroxide, Sodium Hydroxide

By Stephen Gardner

April 15 — A risk assessment from the Swedish Chemicals Agency showed that no further regulatory measures are required to limit the use of potassium hydroxide or sodium hydroxide in consumer products in the European Union, the European Chemicals Agency said April 15.

The substances were assessed as part of a "risk management option analysis" program with the goal of determining by 2020 if stricter controls are needed to manage the risks of up to 440 hazardous substances that have been registered under the EU's REACH law (58 DEN A-12, 3/26/15).

REACH (Regulation No. 1907/2006) stands for the registration, evaluation and authorization of chemicals.

The Swedish Chemicals Agency's assessment report said consumer products such as drain cleaners that contain potassium hydroxide or sodium hydroxide are subject to hazard labeling and child-resistant packaging requirements, and are involved in a "few thousand incidents" of usually accidental poisoning each year in the EU.

Any EU-wide ban, however, would be disproportionate and better risk management of the substances could be achieved through voluntary measures on the part of industry, the Swedish Chemicals Agency said, though it did not specify possible voluntary measures.

ECHA said the voluntary measures would be evaluated and the possibility of imposing use restrictions on the substances would be "reconsidered in 2017."

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For More Information

The Swedish Chemicals Agency's risk management options analysis conclusion document on potassium hydroxide and sodium hydroxide is available at http://bit.ly/1b355lb.

EPA's Benzo[a]pyrene Analysis Could Impact Air Toxics Rules, Hazardous Waste Cleanups

BNA Snapshot

Assessing Risks of Chemicals Produced by Combustion

Key Development: Risk values and other information from an EPA toxicological review of benzo[a]pyrene will be used in at least a dozen regulatory and non-regulatory decisions the agency's air office will make and also will affect hazardous waste cleanups, speakers tell an agency advisory board.

Potential Impact: The draft dermal slope factor included in the EPA's assessment—the first that the agency's Integrated Risk Information System has ever calculated—exaggerates the cancer risk of benzo[a]pyrene and would lead to more expensive hazardous waste cleanups, toxicologists and other industry scientists say.

By Pat Rizzuto

April 15 — The Environmental Protection Agency's air office will use risk values, health effects conclusions and other information in a toxicological review of benzo[a]pyrene to make at least a dozen decisions, an agency toxicologist said April 15.

Ines Pagan, a toxicologist working on air toxics in the EPA's Office of Air Quality Planning and Standards, briefly summarized reasons the air office is interested in the benzo[a]pyrene assessment that is being completed by the agency's Integrated Risk Information System (IRIS) program.

"Benzo[a]pyrene is emitted by many of the source categories we regulate," Pagan said as she telephoned in to a Science Advisory Board meeting. The board's Chemical Assessment Advisory Committee is peer-reviewing the IRIS program's draft 2014 assessment of benzo[a]pyrene (BaP) (193 DEN A-6, 10/6/14).

The chemical, which is the most studied compound within the family of polycyclic aromatic hydrocarbons (PAHs), will be addressed through about a dozen regulatory and non-regulatory risk management actions the air office expects to release in a year or so, Pagan said.

Sources Include Combustion, Barbecues, Medicine

PAHs occur in more than 100 different combinations. They are produced when materials such as coal, oil, gas, wood and garbage are burned but the combustion process is not complete. Natural sources include forest fires and volcanos. People also can be exposed by eating barbecued or smoked foods or by applying coal tar-based medications used for skin problems such as eczema.

Because BaP is the most studied of the polycyclic aromatic hydrocarbons, information about it is used to predict the toxicity of other PAHs.

The air toxics program needs the information the IRIS assessment will provide about ways, other than cancer, that benzo[a]pyrene may affect human health, Pagan said. The office also needs the IRIS program's conclusions about the chemical's carcinogenicity, she said.

Christopher Saranko, a toxicologist working for Geosyntec Consultants on behalf of the Utility Solid Waste Activities Group, told the board the IRIS assessment also will be important for hazardous waste cleanup decisions. Saranko spoke during a public comment portion of the board's meeting.

Many of the superfund sites the solid waste group's members are involved with have benzo[a]pyrene and other PAHs as key pollutants, he said.

Key Conclusions Under Reviewing

Key conclusions in the draft assessment EPA released in 2014 include:

• benzo[a]pyrene is a human carcinogen;

• its dermal slope factor is 0.006 micrograms per day (µg/d), making it a potent skin carcinogen;

• people who ingest less than the proposed overall reference dose (RfD) of 0.003 milligram benzo[a]pyrene per kilogram body weight per day (mg/kg-day) over their lifetime would not be harmed by the chemical (the agency's draft included additional RfDs for risk analysts focusing on specific adverse effects); and

• people who inhale a reference concentration (RfC) of 0.00002 milligram benzo[a]pyrene per cubic meter air (mg/m3) over their lifetime also would not be harmed.

Several committee members urged the agency to better explain how it reached the conclusion that benzo[a]pyrene is a human carcinogen.

There is clear evidence that the chemical causes cancer in animals, committee members said.

The agency needs to better explain how the biological changes that occur in animals would predict human cancers, several committee members said.

First-Ever Dermal Slope Factor

Saranko and analysts representing other trade associations focused their public comments on the dermal slope factor the agency has drafted.

The dermal slope factor would be the first one the agency has ever calculated in an IRIS assessment of any chemical. Slope factors are used to calculate a compound's cancer potency.

The EPA does not have guidance directing its scientists as to how dermal slope factors are to be calculated, said Anne LeHuray, executive director of Pavement Coatings Technology Council.

“Until such guidance is available, the dermal dose-response assessment of benzo[a]pyrene should not be finalized,” LeHuray said.

Saranko; Annette Rohr, principal technical leader of air quality and health at the Electric Power Research Institute; and Brian Magee, a consultant speaking on behalf of the American Petroleum Institute, Asphalt Institute and pavement council, said the draft dermal slope factor greatly exaggerates BaP's cancer potency.

The slope factor would imply that more than 100 percent of skin cancers on people's hands result from touching BaP-containing soil or barbecued or smoked foods, Magee said.

"That contradicts the conclusion that ultraviolet light is the leading cause of skin cancer," he said.

Scoring Rhetorical Points?

Committee member John Kissel, an environmental engineer teaching at the University of Washington, questioned that argument. "Do you seriously believe your own arguments or are you trying to score rhetorical points with your arguments?"

The calculations Magee and others presented to the board were based on multiple worst-case assumptions or "compounded conservatism," Kissel said.

Magee said even if the percentage of cancers he predicted using the draft dermal slope factor were not precisely accurate, they still show that EPA's draft factor exaggerates the risk.

The draft slope factor would make hazardous cleanups more complex and expensive, Saranko said.

The Chemical Assessment Advisory Committee will discuss the dermal slope factor and many other aspects of the agency's draft BaP assessment as its meeting continues on April 16 and 17.

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For More Information

EPA's draft benzo[a]pyrene assessment, its presentation to the SAB committee and public comments directed to the committee are available at http://tinyurl.com/n2ohywb.

INSIDEEPA.COM ARTICLES

Stakeholders Eye Fixes For House TSCA Bill As Gap Widens On Senate Bid

EPA, advocates and other stakeholders are suggesting fixes for a House Toxic Substances Control Act (TSCA) draft bill on a host of issues -- including funding for the measure -- that observers say could be surmountable and help to ensure the bill's approval, while a gap widens between groups over two divisive Senate TSCA reform bills.

EPA Seeks Input On Science Backing Proposed TRI Listing For Carcinogen

EPA is seeking public input on whether sufficient scientific evidence exists to back its proposal to add the chemical 1-bromopropane to the agency's Toxics Release Inventory (TRI) for reporting of chemical releases, a move the agency is justifying based on research suggesting the substance is a carcinogen worthy of tracking on TRI.

Industry, Environmentalists Raise Concerns Over House TSCA Reform Bill

Chemical industry officials and environmentalists are raising concerns over draft House Toxic Substances Control Act (TSCA) legislation including the sector's attacks on "opaque" provisions that create confusion over chemicals regulation and criticisms from advocates about the bill allowing delays in restricting harmful substances.

EPA Still Weighing Possible Second Review Of Vanadium IRIS Assessment

Managers of EPA's Integrated Risk Information System (IRIS) have yet to respond to requests from industry and the Department of Defense (DOD) to seek a second peer review of some portion of the pending IRIS assessment of vanadium pentoxide (V_2O_5), or to set a stopping rule deadline, leaving the timeline for completing the assessment uncertain.

EPA, IG Fight Over Investigative Authority Poses Barrier For Pact With FBI

EPA and its Inspector General (IG) are at an impasse over the IG's push for a definitive statement from the agency that the IG has sole authority to investigate national security cases within the agency, hindering their ability to reach a new pact with the Federal Bureau of Investigation (FBI) that could end uncertainty over the issue.

Industry Argues EPA Nanosilver Petition Response Will Not Alter Oversight

Industry officials argue EPA's recent response to advocates' petition seeking to bolster regulation of nanoscale silver leaves agency oversight of the substance unchanged, despite EPA language granting aspects of the petition, though advocates say the federal response bolsters claims against unregistered products and may have spurred enforcement.

GREENWIRE ARTICLES

Close to half in U.S. choose environment over energy development -- poll

Almost half of Americans say that protection of the environment should be prioritized over energy development, according to a new poll.

The Gallup survey, released yesterday, found that 49 percent of Americans believe the environment should be given priority even if it means risking energy supplies. In turn, 39 percent say developing domestic energy sources should come first, even if it means damaging the environment.

House freshman floats bill to ban former-lawmaker lobbying

Freshman Rep. Rod Blum (R-Iowa) yesterday introduced legislation that would ban lawmakers from working as lobbyists after they leave office.

The "No Golden Parachutes for Public Service Act," or H.R. 1740, would impose a lifetime lobbying ban on former members of Congress. Under current law, former senators can become lobbyists two years after leaving office, and House members have to wait one year.

Energy and enviro votes dominate first 100 days of Congress -- report

The 114th Congress has cast more votes on energy and environmental policies in its first 100 days than on any other subject -- dominating more than 30 percent of combined roll call votes -- according to a new analysis from the Center for American Progress.

The liberal think tank's review of voting records found that among the 279 roll call votes cast in both chambers since January, more than 30 percent included energy or environmental topics.

EPA proposes reporting requirements for dry cleaning solvent named 'reasonably likely' carcinogen

Companies could be required to report emissions of a solvent linked to cancer if a proposed rule by U.S. EPA is finalized.

The proposed rule, published today in the *Federal Register*, would add 1-bromopropane to a list of chemicals subject to annual reporting requirements under the Emergency Planning and Community Right-to-Know Act. EPA said the action was prompted by 1-bromopropane's inclusion in the 13th Report on Carcinogens, which is produced by the National Toxicology Program, part of the Department of Health and Human Services.

CHEMICAL WATCH ARTICES

Progress made on India's chemical inventory

First phase almost complete with more than 4,000 substances included

16 April 2015 / India, Substance registration & inventories

Work on the first phase of India's inventory of manufactured and imported chemicals is almost complete, with 4,200 chemicals listed out of a proposed 4,600.

India is one of the few countries with a significant chemical industry not to have a national inventory. In 2012, proposals for one were included in a draft National Chemicals Policy (NCP) produced by the Ministry of Chemicals and Fertilisers (CW 17 January 2013). The NCP has been in the pipeline since then, but has not yet been released.

Shortly after the EU adopted the REACH Regulation, Chemexcil – the chemicals export council appointed by the Ministry of Commerce and Industry – was selected to compile the Indian inventory because it had been responsible for helping companies in India comply with REACH. The council realised the data it had collected from companies in this capacity could be used as part of a wider chemicals inventory.

The inventory will help industry classify substances and define standards for the handling and transport of chemicals. The first phase will concentrate on gathering easily-available data, such as information on chemicals exported by Indian companies.

By 2013, 3,200 chemicals had been listed. The inventory was expected to be finalised in that year with the number of listed substances rising to 5,000. However, the project stalled due to administrative changes.

The inventory could eventually list up to 20,000 substances, according to H S Karangle, director general of the Indian Chemical Council.

Further details of the NCP are rumoured to be coming out in the next fortnight.

Amrit Dhillon in New Delhi

For more information, see CW+AsiaHub

European Commission adopts two RoHS exemptions

16 April 2015 / Europe, Electrical & electronics

The European Commission has adopted two exemptions from the substance restrictions included in the EU Directive on the restriction of hazardous substances (RoHS) in electrical and electronic equipment (CW 25 February 2015). They are for:

- mercury in intravascular ultrasound imaging systems; and
- lead in polyvinyl chloride (PVC) sensors in *in vitro* diagnostic medical devices.

Both will enter into force 20 days after their publication in the EU's *Official Journal*.

Further Information

Lead in polyvinyl sensors

Mercury in intravascular ultrasound imaging systems

Phthalates trade body questions metabolites study

ECPI disputes DINP reproductive evidence of Swedish research

16 April 2015 / Sweden, Risk assessment

The European Council for Plasticisers and Intermediates (ECPI) has criticised a recent academic study, reporting a link between prenatal phthalate exposures and adult reproductive problems.

The study, by scientists from Lund University in Sweden, reported that lower testicular and semen volume and higher levels of the hormone FSH were linked to mothers' blood serum levels of the metabolites of two phthalates, DEHP and DINP (CW 18 March 2015).

However, ECPI manager Stéphane Content told *Chemical Watch* the paper did not produce enough evidence to suggest DEHP and DINP were linked with reproductive problems.

Phthalates are used as plasticisers in a range of PVC products, including footwear and flooring.

The ECPI points out that only four of 84 measurements performed showed a statistically significant difference, linked to phthalate levels: testicular volume, semen volume and FSH levels for one DINP metabolite, and semen volume for one DEHP metabolite.

Further, it maintains the results are not clinically significant for testicular volume because the mean value in the highest exposure group is within the normal range.

"Given the small sample size [of 112 young men], the huge variations in the parameters measured and the fact that statistically significant associations are only seen in one of three metabolites [for each of the two phthalates considered], it is quite possible that simply a random association was registered, which by no means indicates causation," said the ECPI.

The industry body maintains the study's findings are not consistent with many laboratory animal studies, which are "more reliable in determining a causal relationship". There is clear evidence that DEHP produces reproductive effects in animal studies, it admits, although not for DINP.

For this compound, says the ECPI, "small reversible effects on parameters, associated with reproduction, have been measured but extensive studies have shown they are not adverse" and these differences are not shown in the current paper.

The authors of the paper have responded to the criticisms. They do not agree that because the highest DINP metabolite exposure group had a mean testicular volume value within the normal range that the effect is not significant. The results show a mean 4ml (8.9%) reduction in volume between those in the highest third exposure group and those in the lowest. The result has a statistical probability of 0.01.

Testicular volume is generally considered an important indicator of fertility, the authors say: "A 10% lower testis size strongly indicates an impairment of male reproductive capacity."

The authors agree there is a risk of chance findings, but they believe that, as well as the statistically significant associations, other metabolites of the same phthalate displayed similar but non-significant trends in reproductive variables.

With regard to the comparison with animal studies, the authors believe there can be huge inter-species variation in sensitivity to endocrine disruptors. Differing profiles between DEHP and DINP, between animals and humans, would not be an argument to consider DINP less biologically significant, they say.

The industry sets some store by the fact that DINP has been subject to a re-evaluation by the European Commission and member states. This identified no further risks in current applications and required no additional risk management measures.

In contrast, DEHP is subject to stringent regulation under REACH and its use has significantly decreased in the EU, despite being the most used plasticiser globally.

The authors respond that theirs is the first human study on prenatal exposure to phthalates and adult male reproductive function. They doubt that the current EU conclusion of no additional risk management measures for DINP will be maintained if other researchers, with access to two-generational data, generate additional evidence on this "very important health-related issue".

Philip Lightowlers

New EU limits kick in for parabens in cosmetics

16 April 2015 / Europe, Cosmetics

New maximum concentration limits for propylparaben and butylparaben in cosmetics, sold in the EU, apply from today – 16 April.

The new limits, introduced to Annex V of the EU cosmetics Regulation last year (CW 30 September 2014), reduce the maximum allowed concentration of the preservatives from 0.4% when used individually and 0.8% when mixed with other esters, to 0.14%, when used individually or together.

They further impose a ban on their use in leave-on products, destined for the nappy area of children under the age of three.

Products placed on the market from today must comply with the new rules; but existing stocks can remain on the shelves until 16 October.

Further Information

Commission announcement

EU Commission sets out Eogrts plans

Registrants will be asked to submit new testing proposals

16 April 2015 / Europe, Test/non test methods

The European Commission has decided what it will do about the 200 or so draft Decisions on testing proposals and compliance checks, which have been held up by the incorporation of a test study into the REACH information requirements.

The saga goes back to 2011– the year the OECD adopted the extended one-generation reproductive toxicity study (Eogrts) as a replacement for the two-generation toxicity study. From this point onwards, Echa's Member State Committee – unable to reach agreement on which study should be used to generate data for REACH registrations – started referring draft Decisions on testing proposals and dossier compliance checks to the Commission, asking it to choose.

The Commission was unable to process the draft Decision until Eogrts was added to the EU test methods Regulation and REACH Annexes IX and X. Both these hurdles have now been cleared (CW 26 February 2015), and in March the EU executive explained to a meeting of the Competent Authorities for REACH and CLP (Caracal) how it will proceed, having taken legal and practical considerations into account.

Instead of directly demanding that some form of the Eogrts test be conducted, the Commission will ask registrants to submit new testing proposals. In a document presented to Caracal, it says it will reject testing proposals for the two-generation toxicity study on the grounds that the REACH annex information requirements, on which they are based, are no longer valid. In the same Decision, it will ask the registrants "to update their dossiers in accordance with the modified standard information requirement (on Eogrts), submitting as necessary, within a reasonable deadline (eg three months) the relevant testing proposal".

Similarly, regarding the compliance check draft Decisions, the Commission will ask the registrants to bring their dossiers into compliance by submitting, within a prescribed deadline, a testing proposal in line with the amended REACH information requirements for Eogrts.

The Commission will have to draft and adopt at least 216 Decisions, 183 on testing proposals and 33 on compliance checks based on the draft Decisions it has received from Echa. As far as possible, it intends to set the same deadline for all registrants to update their testing proposals, so that Echa will receive them all at the same time and examine them as a block.

The first draft Decisions, says the Commission document, are expected to be presented to the REACH Committee in the third quarter of 2015.

Geraint Roberts

TSCA reform bill vote set for 14 May

Democrats largely support discussion draft, but say more work remains

15 April 2015 / United States, Substance registration & inventories

The House Subcommittee on Environment and the Economy will vote on 14 May on a bill to reform the Toxic Substances Control Act (TSCA).

The panel's Chairman John Shimkus (R-Illinois) made the announcement on Tuesday, at the start of a committee hearing on a bipartisan draft measure to update the decades-old law that he unveiled last week (CW 9 April 2015).

Mr Shimkus said that after hearing from stakeholders, a bill with language "reflecting consensus revisions" would be released for the May mark up. He will also ask the chairman of the full House Energy and Commerce Committee to take up the measure for full consideration "as soon as practicable".

The draft TSCA Modernization Act of 2015 "represents a significant departure" from the Udall-Vitter reform bill (CW 10 March 2015) as well as the approach taken by the House last year, and has "a number of benefits relative to these two proposals", said Committee ranking member Paul Tonko (D-New York).

But there are still some tough issues to address, including preservation of authority to act on managing chemicals, he added.

Jim Jones, head of the EPA's Office of Chemical Safety and Pollution Prevention, criticised provisions that would allow industry to ask the agency to conduct risk evaluations of chemicals. This, he said, is likely to lead to the EPA focusing the majority of its limited resources on completing evaluations, which once requested, start the clock ticking on a number of deadlines. It could also result in "evaluations for the chemicals with the most potential for risk being put off indefinitely", while the agency worked on the requests.

Also, the agency would be required to conduct and publish the evaluations within 180 days - an unrealistic deadline, he said.

Mr Jones also faulted provisions that would mean the agency had to demonstrate that a substance had the potential for unreasonable risk, before starting a risk evaluation. These would create a "possible analytical 'catch-22' in which the the EPA must make a finding regarding the potential for risk, prior to beginning the risk evaluation process."

And athough the provisions would require chemical companies to meet the full cost, the money would go to the Treasury instead of the agency, he said. But Mr Shimkus said the EPA should have access to the funds - in line with the intent of the bill.

Mike Walls, vice president of regulatory and technical affairs at the American Chemistry Council, sought clarification at the hearing on how the "relatively short review deadline" for industry-requested risk evaluations is "consistent with a robust review of the hazards, exposures and risks of chemical substances". He also wanted to know the degree to which state regulations that are identical to EPA actions could depart from the federal approach.

Testifying on behalf of the Society of Chemical Manufacturers and Affiliates, Beth Bosley, president of Boron Specialties, called the bill's preemption provisions fair and reasonable, and that the bill should allow for EPA consideration of industry draft risk evaluations, as the Udall-Vitter Senate bill also does.

Andy Igrejas, director of the Safer Chemicals Healthy Families coalition, acknowledged "positive elements" in the draft, including its retention of key elements of the current TSCA's timing of preemption.

Under the House draft, preemption would kick in only after the EPA makes a final decision on a chemical, either in a rule managing the risk or in a decision that it poses no unreasonable risk. Under the Udall-Vitter bill, however, states would be constrained from acting on a chemical, once the agency chooses a chemical for risk evaluation.

Mr Igrejas also welcomed its provisions which allow states to co-enforce federal rules and a "workable" preemption waiver clause. Among changes he suggested was to give the EPA the discretion to turn down an industry request for assessment and initiate its own, "without having to make multiple findings".

Dinesh Kumar

Further Information

Testimony and statements

US EPA receives test data for two chemicals

15 April 2015 / United States

The US EPA has received test data for two chemicals – methanone, diphenyl and ethane, 1,1′-oxybis[2-chloro – following a test rule issued under the Toxic Substances Control Act. The data relates to the substances' aquatic toxicity.

Methanone, diphenyl is used, among other things, in making insecticides and as a polymerisation inhibitor for styrene. Ethane, 1,1′-oxybis[2-chloro's is used as a general solvent and in paints, varnishes, lacquers and finish removers.

Further Information

Federal Register

EU trade committee backs mandatory conflict minerals scheme

But NGOs say just 0.05% of firms would be covered

15 April 2015 / Europe, Electrical & electronics

The EU's future scheme for the responsible sourcing of conflict minerals should be mandatory, not voluntary, says a key European Parliament committee.

Voting yesterday, the International Trade Committee (INTA), which is leading the parliament's response to the European Commission's proposals, adopted a series of amendments to be voted on by a plenary session of the full parliament, probably in mid-May.

These proposals, issued last year in the form of a draft EU Regulation, were based on an EU system of self-certification for importers of tin, tantalum, tungsten and gold. Companies, which chose to join the scheme, would be required to exercise due diligence in line with OECD guidance on the issue.

But critics said many of the EU-based smelters and refiners that import the minerals were unlikely to participate, unless the big OEMs in sectors like consumer electronics and automotive told them to (CW 13 March 2014).

The warning appears to have been heeded by the INTA, in which a series of amendments were voted through by a coalition of MEPs from centre-right political groups ECR, ALDE and EPP (the largest group in the parliament). In backing a mandatory scheme, they rejected the view of the dossier's rapporteur, EPP member Iuliu Winkler (CW 5 March 2015).

Eurometaux, which favours a voluntary scheme, said it will continue the discussion on whether for EU smelters and refiners it would be more effective in achieving the EU's objectives.

But human rights NGOs, and the Greens/European Free Alliance group of MEPs, said the committee should have voted for a mandatory scheme that would have applied to the OEMs as well as the importers.

The rules would "only apply to a limited number of firms that import raw materials and not target other companies in the supply chain," said the Greens. "The failure to provide binding transparency rules, throughout the supply chain, is a crucial shortcoming, which will mean conflict minerals will still be able to enter the EU market in goods and, ultimately, everyday products."

A statement from a group of NGOs, including Global Witness and Amnesty International, said the INTA had "failed to extend the legal requirements to the vast majority of companies involved in the trade, such as manufacturers, traders and companies importing products that contain these minerals". The group said the number of companies covered by the scheme would be 300-400, or 0.05% of those using and trading the four minerals in the EU (GBB May 2014).

The INTA also voted down amendments, extending the scope of the Regulation to include other minerals and metals.

Eurometaux welcomed other amendments adopted by the INTA, such as allowing due-diligence systems other than the OECD's, and a Commission-awarded "responsible importer" logo that smelters and refiners could display on their websites if they can demonstrate responsible sourcing of minerals.

Geraint Roberts

Further Information

European Parliament press release

Eurometaux press release

NGOs joint statement

Graphene nanomaterials an emerging health risk, says expert committee

15 April 2015 / Europe, Risk assessment, Nanomaterials

The European Commission's Scientific Committee on Emerging and Newly Identified Health Risks (Scenihr) has included two uses of nanomaterials in a list of emerging risks in the non-food area. It will use them to discuss potential new mandates with the Commission.

The committee's paper says graphene nanomaterials could pose a risk in potentially all exposure categories. It also warns that studies show the substance could exert considerable toxicity (CW 20 June 2013), and its use could lead to significant emission of the compound from electronic devices and composites.

Research has also suggested that graphene is both persistent and hydrophobic. A Swedish review, published two years ago, flagged up its potentially adverse environmental and health risks (CW 9 May 2013). However, so far results "foremost show that there are many risk-related knowledge gaps to be filled", Scenihr says in the paper.

The second risk identified is nanomaterials used in medical imaging and drug delivery, which Scenihr says is "an important area of innovation with potential risk". It says that the risks of nanoparticle toxicity alone, and combined with drugs and imaging substances, must be assessed.

Both areas of nanomaterial risk are ascribed "very urgent" status in the paper, under the hazard category "new origin of risk".

The position paper lists 11 topics in total, including plastic compounds emitted from 3D printers.

Further Information

Position paper

OTHER ARTICLES

NY groups test toys, find toxins

ConsumerAffairs

If they have had contact with the toys that contain the toxic chemicals and then put their fingers in their mouth they are transmitting the toxins that way ...

Legislature 2015: **Toxic**-Free Kids Act stirs up staunch opposition

Portland Business Journal (blog)

Industry groups are rallying in opposition to the Toxic-Free Kids Act, a bill in the Oregon Senate that would track potentially **toxic chemical** used in ...

Toy industry responds to Syracuse **toxic** toy report

Syracuse.com

A pink Olaf sweatshirt sold by Target in Onondaga County was found to have **toxic chemicals** in the zipper pull. A toy industry group is disputing the ...